

Ernest Warren, Jr., OSB #89138
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Attorney for Defendant Marty Ray Folwick

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

Case No. CR 08-280-KI

Plaintiff,

v.

**DEFENDANT'S SENTENCING
MEMORANDUM**

MARTY RAY FOLWICK,

Defendant.

The defendant by and through undersigned counsel, submits this sentencing memorandum.

Specifically, the defendant has no objection to the presentence report recommendation of 63 months based on an advisory guideline offense level of 26 and no criminal history.

The defendant also concedes that he will be ordered to make restitution to all bank lender victims who have submitted loss claims to probation.

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WARREN & WATKINS

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DISCUSSION

After the defendant was the subject of investigation by law enforcement, he fully confessed his guilt to authorities, cooperated without the offer of leniency in any way, and totally divulged himself of documents and incriminating testimony resulting in an indictment.

On October 2, 2008, the defendant pled guilty to Counts 1-4 of the indictment. The defendant would further acknowledge to the Court that he had committed bank fraud, wire fraud and money laundering arising out of transactions enumerated in Counts 1-4 of the indictment.

The defendant has no objection with the findings of the presentence report. The defendant is age 50 and married with children. He has strong family and church ties in his community. The defendant is a graduate of Hillsboro High School in Hillsboro, Oregon. The defendant has always been gainfully employed in casual dining, microprocessor manufacturing, newspaper distribution and licensed loan origination; and has served in the U.S. National Guard where he received a general discharge.

In 50 years, this will be his first conviction and the defendant has learned that he cannot make a living off fraudulent behavior. He has learned that he cannot turn a fraud into a legitimate financial transaction because being able to pay underlying obligations from proceeds of fraud requires the continual participation of future fraudulent activity.

Also, defendant now knows that such fraudulent behavior leads to enormous consequences of lost homes, lost investments, loss of respect in one's community, foreclosures and bankruptcy.

The defendant requests that he be allowed to serve his sentence at Sheridan Federal Correctional Institution and that after designation by Bureau of Prisons, he be allowed to turn himself in within 60 days.

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CONCLUSION

In conclusion, the defendant respectfully requests that the court allow for other equitable remedies that it deems just and proper.

DATED this 1st day of December, 2008.

Ernest Warren, Jr.
Ernest Warren, Jr., OSB No. 89138
Attorney for defendant

CERTIFICATE OF SERVICE

I hereby certify that I have served a certified true copy of the DEFENDANT'S SENTENCING MEMORANDUM in the attached matter upon the parties listed below on the 1st day of December, 2008, by:

[] fax to each of the parties as follows:

[xx] mailing to him/her/them said document(s), and deposited in the U.S. Post Office in Portland, Oregon, with postage on each fully prepaid and addressed to the parties at their last known place of business or residence as follows:

Alan M. Garten
Assistant United States Attorney
Suite 600
1000 SW 3rd Avenue
Portland, Oregon 97204

and filed the original with the Court on the date listed below.

DATED this 1st day of December, 2008.

WARREN & WATKINS

Ernest Warren, Jr.
Ernest Warren, Jr., OSB No. 89138
Attorney for defendant